

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SILVER SCREEN FILMS INC.,

Plaintiff,

v.

HOLLYWOOD MEDIA VENTURE,
LLC et al.,

Defendants.

Case No. 2:22-cv-08901-SB-AFM

ORDER TO SHOW CAUSE RE:
SERVICE BY PUBLICATION

Plaintiff Silver Screen Films Inc. has been attempting to complete service on Defendants for over eight months, some of which appear to be avoiding service. Plaintiff has consequently sought leave of the Court to serve certain Defendants by publication. *See* Dkt. Nos. [44](#), [48](#). The Court noted deficiencies and issues related to Plaintiff's request to serve by publication. Dkt. No. [54](#). In response, Plaintiff filed an amended request. Dkt. No. [55](#).

Plaintiff intends to dismiss certain of the remaining unserved Defendants, Dkt. No. [55](#), leaving Kevin Robl and Mohamed Shaaban as the only two Defendants who have not been served. Plaintiff's request for service by publication is as to Robl only. But despite identifying the requirements of California Code of Civil Procedure § [415.50](#), Plaintiff still fails to provide an affidavit that a cause of action exists against Robl. Cf. *Claimtek, LLC v. Med Office Group, Inc.*, 22-cv-01696-FWS, 2023 WL 4155359, at *5 (C.D. Cal. Apr. 7, 2023) ("Under [Section 415.50\(a\)\(1\)](#), a plaintiff must offer independent evidentiary support, in the form of a sworn statement of facts, for the existence of a cause of action against the defendant.") (cleaned up); *Rios v. Singh*, 65 Cal.App.5th 871, 884 (2021) ("An application for an order of publication must be accompanied by an affidavit stating facts from which the trial court can draw the conclusion that the

plaintiff has a cause of action against the defendant. This is a jurisdictional prerequisite to the issuance of an order of publication.”) (citations omitted).

Plaintiff shall no later than Friday September 8, 2023, at 9:00 a.m.: (1) show cause why it has failed to provide the required affidavit—the Court will consider an affidavit filed in compliance with § 415.50 to be an appropriate response; (2) dismiss the other Defendants it identified in its amended request to the Court, *see* Dkt. No. [55](#); and (3) provide an update on the status of service on Shaaban. Failure to comply with the order will result in the dismissal of all unserved defendants.

IT IS SO ORDERED.

Date: September 5, 2023



Stanley Blumenfeld, Jr.
United States District Judge